

ASSEMBLY BILL

No. 373

Introduced by Assembly Member Medina

February 17, 2015

An act to add Section 832.35 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 373, as introduced, Medina. Peace officers: training.

Existing federal law, commonly known as Public Law 280 (PL-280), authorizes the state to exercise jurisdiction over offenses committed by or against Indians in the areas of Indian country within the state, and gives state criminal laws the same force and effect within Indian country as they have elsewhere in the state.

Existing state law creates the Commission on Peace Officer Standards and Training that, among other things, establishes levels of standards and training for peace officers, as specified. Existing law requires the commission to implement courses of training related to various topics applicable to peace officers.

This bill would require each police chief, county sheriff, or other head of a law enforcement agency to assess his or her jurisdiction to determine if any Indian tribal lands, as defined, lie within the jurisdiction. The bill would require, if the police chief, county sheriff, or other head of a law enforcement agency determines that Indian tribal lands exist within his or her jurisdiction, to ensure that those peace officers employed by the agency who work in, or adjacent to, Indian tribal lands, or who may be responsible for responding to calls for service on, or adjacent to, Indian tribal lands, complete a course that includes, but is not limited to, a review of PL-280. The bill would provide that this requirement may be

satisfied by ensuring that those peace officers complete a course that includes a review of PL-280 that is approved by the commission. By creating new duties for local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 832.35 is added to the Penal Code,
2 immediately following Section 832.3, to read:
3 832.35. (a) Each police chief, county sheriff, or other head of
4 a law enforcement agency shall assess his or her jurisdiction to
5 determine if any Indian tribal lands lie within the jurisdiction.
6 (b) (1) If the police chief, county sheriff, or other head of a law
7 enforcement agency determines that Indian tribal lands exist within
8 his or her jurisdiction, he or she shall ensure that those peace
9 officers employed by the agency who work in, or adjacent to,
10 Indian tribal lands, or who may be responsible for responding to
11 calls for service on, or adjacent to, Indian tribal lands, complete a
12 course that includes, but is not limited to, a review of the federal
13 Public Law 280 (18 U.S.C. Sec 1162; 28 U.S.C. Sec 1360; and 25
14 U.S.C. Sec 1321 through 1326, inclusive).
15 (2) A police chief, county sheriff, or other head of a law
16 enforcement agency may satisfy the requirements of paragraph
17 (1) by ensuring that the peace officers described in that paragraph
18 complete a course that includes a review of the federal Public Law
19 280 (18 U.S.C. Sec 1162; 28 U.S.C. Sec 1360; and 25 U.S.C. Sec
20 1321 through 1326, inclusive) that is approved by the Commission
21 on Peace Officer Standards and Training, including, but not limited
22 to, the course titled "Policing Indian Lands."

1 (c) For purposes of this section, “Indian tribal lands” means real
2 property belonging to, or held in trust for, a federally recognized
3 or state-recognized Indian tribe.

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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